

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
AUSTIN DIVISION

MONICA RAFEEDIE on Behalf of §
Herself and Others Similarly Situated §
Plaintiff, §
§
vs. §
§
L.L.C., INC. d/b/a PERFECT 10 MEN'S §
CLUB and W.F.K.R., INC. d/b/a §
SUGAR'S UPTOWN CABARET §
Defendants. §

CIVIL ACTION NO. 1:10-cv-743-LY

Joint Motion to Approve Settlement and to Dismiss With Prejudice

This case involves allegations by Plaintiffs that Defendants misclassified them as “independent contractors” and, as a result, failed to pay them appropriate minimum and overtime wages pursuant to the Fair Labor Standards Act (FLSA). Defendants have denied Plaintiffs’ allegations, and dispute that Plaintiffs were misclassified or that Plaintiffs are owed wages even if they were determined to be misclassified. Defendants also brought counterclaims against Plaintiffs, allegations that Plaintiffs denied. Monica Rafeedie brought this suit on behalf of herself and others similarly situated. The Court conditionally certified this case as a collective action on May 9, 2011. Collective action notices were issued, the opt-in period is closed, and the case currently involves the claims of twenty-two (22) Plaintiffs who have each filed a “Notice of Consent,” representing their written consent to join this suit pursuant to 29 U.S.C. § 216(b).

After more than a year of extensive discovery, motion practice, and considerable negotiation, the Parties reached a settlement of all issues and claims asserted, or which could have been asserted, in this case. The terms of the settlement are confidential. The terms of the

settlement have been approved and signed by the Representative Plaintiff, Plaintiffs' counsel, Defendants, and Defendants' counsel. Pursuant to the proposed settlement, each Plaintiff will receive 100% of her alleged unpaid wages even after attorneys' fees and case expenses have been deducted from the settlement. The settlement was negotiated at arms length, and was achieved after more than a year of investigation, discovery, and motion practice.

There still exists substantial dispute between the parties regarding the facts and the law as they apply to this matter, including the number of hours Plaintiffs' claim. The parties submit that the settlement represents a fair and reasonable compromise of a bono fide dispute as to all the parties' claims, and is the best interest of all parties.

WHEREFORE, the Parties respectfully request this Court to sign the accompanying order approving their settlement. The Parties also request the Court to hold this case on the Court's docket as "closed" for a period of seventy-five (75) days after the Court approves the Parties settlement so that the Parties may fully fund the settlement before a dismissal with prejudice is entered by the Court.

Respectfully submitted,

DEBES LAW FIRM

/S/ ROBERT R. DEBES, JR.

By:

Robert R. Debes, Jr.
Texas State Bar No. 05626150
8 Greenway Plaza, Suite 1500
Houston, Texas 77046
Telephone: (713) 623-0900
Telecopier: (713) 623-0951
bdebes@debeslaw.com

COUNSEL FOR PLAINTIFFS

SHAFER & ASSOCIATES, PC

By: /s/ Matthew J. Hoffer
Bradley J. Shafer (MI Bar No. P36604)
Matthew J. Hoffer (MI Bar No. P70495)
Co-Counsel for Defendants
Lansing, Michigan 48906-2110
3800 Capital City Boulevard, Suite 2
(517) 886-6560
Fax: (517) 886-6565
matt@bradshaferlaw.com

BRIAN W. BISHOP
LAW OFFICES OF BRIAN W. BISHOP
Co-Counsel for Defendants
115 Wild Basin South, Suite 106
Austin, Texas 78746
Telephone: (512) 327-5121
Facsimile: (512) 327-5122
Email: brian@bbishoplaw.com

CERTIFICATE OF SERVICE

I served a true and correct copy of this document on all counsel of record on the 18th day of November 2011 as follows:

Matthew J. Hoffer
Shafer & Associates, P.C.
3800 Capital City Blvd., Ste. #2
Lansing, Michigan 48906
(via ECF notification)

Brian Bishop
Law Offices of Brian W. Bishop
115 Wild Basin South, Suite 106
Austin, Texas 78746
(via ECF notification)

/s/ Robert R. Debes, Jr.

Robert R. Debes, Jr.